
1st Session First Parliament Trinidad and Tobago
12 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 22 of 1963

[L.S.]

AN ACT respecting Gambling, Lotteries and Betting.

[Assented to 19th July, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, Enactment
by and with the advice and consent of the Senate and
House of Representatives of Trinidad and Tobago, and
by the authority of the same, as follows:—

1. This Act may be cited as the Gambling and Betting Short title.
Act, 1963.

PART I

Gambling

Interpretation

2. (1) In this Part,

“common gaming house” includes any premises kept or used for gambling;

“gamble” means to play at or to engage in any game of chance for winnings in money or money’s worth;

“game of chance” includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport;

“instruments or appliances for gambling” includes all articles other than money that are used in or for the purpose of gambling;

“occupier” means any person in actual occupation of the whole or any part of any premises;

“owner” means the person for the time being receiving or entitled to receive the rents of any house, building, yard, or other place, or his agent, and includes joint tenants and tenants in common;

“premises” means any house, office, room, or building, and any place or spot, whether open or enclosed, and includes a ship, boat or other vessel whether afloat or not, and any vehicle.

(2) For the purposes of this Part premises shall be deemed to be used for gambling if it is so used on but one occasion only.

Offences relating to gaming houses

3. A person is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for twelve months who—

(a) being the owner or occupier or having the use temporarily or otherwise thereof, keeps or uses any premises as a common gaming house, or

(b) permits any premises of which he is the owner or occupier, or of which he has the use temporarily or otherwise, to be used as a common gaming house or,

- (c) has the control or management of, or in any manner assists or is engaged in the management of, any premises kept or used as a common gaming house, or
- (d) announces or publishes, or causes to be announced or published, either orally or by means of any print, writing, design, sign, or otherwise, that any premises is opened, kept, or used as a common gaming house, or in any manner invites or solicits any person to play in a common gaming house, or
- (e) advances, furnishes, or receives money for the purpose of establishing or conducting the business of a common gaming house.

4. (1) Every person who gambles in any common gaming house is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars, or to imprisonment for six months. Persons gambling or being found in common gaming house

(2) Where any person is found in a common gaming house, or is found escaping therefrom on the occasion of its being entered under the provisions of this Act, that person shall be presumed, until the contrary is proved, to be or to have been gambling therein.

5. All persons found at any time gambling, or assembled together for such purpose, in any public or open place are guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months. Gambling in public place

6. (1) Every person found using any premises for the purpose of gambling without the permission of the owner or occupier thereof is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months. Using premises for gambling without permission of owner

(2) For the purposes of subsection (1) the onus of proving such permission shall be upon the person alleging the same.

Presumptions

7. It shall be presumed, until the contrary is proved, that any premises is a common gaming house and that the same is so kept or used by the occupier or person having the use temporarily or otherwise thereof if—

- (a) any instruments or appliances for gambling are found therein or upon any person found escaping therefrom where such premises is entered under section 41, or
- (b) any constable or officer duly authorized or empowered under the said section 41 is wilfully prevented from, or obstructed or delayed in, entering or approaching the premises, or
- (c) there is adduced evidence that gambling took place on those premises in circumstances other than those described in paragraph (a), (b) or (c) of subsection (1) of section 10.

Penalty for obstructing constable

8. Every person who wilfully prevents, obstructs, or delays any constable or officer duly authorized or empowered under section 41 from or in entering or approaching any premises or uses any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any such constable or officer into such premises, is guilty of an offence and liable on summary conviction to a fine of five hundred dollars, or to imprisonment for three months.

Exempted premises

9. Notwithstanding anything contained in this Part, other than the provisions relating to lotteries, but subject to section 10, the following premises shall be deemed not to be common gaming houses and are exempt from the provisions of this Act that render a person liable to be convicted of an offence for gambling in or suffering any games or gambling in, or for keeping or using or being concerned in the management or conduct of a common gaming house, that is to say :

- (a) a private dwelling house;
- (b) a members' club within the meaning of the Registration of Clubs Ordinance that is permitted under the said Ordinance to carry on gambling as an activity of the club in pursuance of part only of its common object.

10. (1) Subject to the provisions of this Act, gambling may be conducted on the premises referred to in section 9, and if so conducted shall be conducted in accordance with the following conditions, that is to say, Conditions as to gambling in houses and clubs

- (a) that either—
 - (i) the chances in the game are equally favourable to all the players; or
 - (ii) the gambling is so conducted that the chances therein are equally favourable to all the players;
- (b) that no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than by payment to a player as winnings;
- (c) that, apart from any reasonable sum that may be added to the annual or other subscription for membership of any member to meet the cost of procuring and maintaining instruments and appliances for the gambling, no other payment in money or money's worth is required for a person to take part in the gambling; and
- (d) that no person took part in the gambling who was not either—
 - (i) a member of the club in pursuance of an application for membership made more than twenty-four hours before the gambling began; or;
 - (ii) a bona fide guest of such a member.
- (e) that no payment of money or money's worth was required in order to obtain access to the premises,

and if any gambling takes place on any premises referred to in section 9 contrary to paragraphs (a) to (e) then, it shall be held that the premises was a common gaming house, unless it is proved that the gambling was conducted in accordance with the conditions set out in the said paragraphs (a) to (e).

(2) Nothing in this Part shall render a person liable to be convicted for gambling on any premises held, in pursuance of subsection (1) to be a common gaming house,

by reason only of an infringement of paragraph (c) of subsection (1), if the person charged proves that he was not required to make, or to undertake to make, any payment such as is mentioned in the said paragraph (c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.

(3) If any gambling takes place on any premises that is held in pursuance of subsection (1) to be a common gaming house any person concerned in the organization or management of the gambling is guilty of an offence; and for the purposes of this subsection any person who took part in procuring the assembly of players shall be deemed to have been concerned in the organization of the gambling.

Persons present
at gambling on
premises deemed
a common gaming
house

11. (1) Any person who is present at any gambling on premises, held in pursuance of subsection (1) of section 10 to be a common gambling house, for the purposes of taking part therein, is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months, save that, for the purposes of any proceedings under this section, paragraph (c) of subsection (1) of section 10 shall be deemed to be omitted if the person charged proves that he was not required to make, or to undertake to make, any payments such as is mentioned in the said paragraph (c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.

(2) For the purposes of subsection (1) proof that any person was present at any gambling shall be evidence that he was present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gambling, operating any instruments or other thing whatsoever used in connection with the gambling, or making bets with respect to the gambling.

Gambling
machines

12. (1) Nothing in sections 9, 10 and 15 shall be construed as permitting any gambling by means of a gambling machine on premises exempted from certain of the provisions of this Part by section 9 and if any gambling by means of a gambling machine takes place in any such premises the premises shall be deemed to be a common gaming house.

(2) In this section "gambling machine" means a machine for playing a game of chance being a game which requires no action by any player other than actuation or manipulation of the machine.

13. (1) Nothing in this Part, other than this section and section 14, shall apply to a game of chance played by means of a pin ball machine on premises licensed for the purpose in accordance with the provisions of the First Schedule. Pin Ball machines

(2) No person shall use any premises for the purpose of keeping a pin ball machine unless he is the holder of a licence granted under the First Schedule authorising him so to do.

14. (1) There shall be charged on all pin ball machines a tax in the sum of two hundred dollars per annum in respect of each pin ball machine. Tax on Pin Ball machines

(2) Tax chargeable under subsection (1) shall be paid to the Commissioner by the occupier of the premises on which the machines are kept.

(3) In this section and in sections 13 and 40 "pin ball machine" means the machine, known as a pin ball machine, for playing a game of chance, being a game which requires no action by any player other than actuation or manipulation of the machine.

15. (1) Notwithstanding any rule of law, for the purpose of any provision of this Act relating to betting, the expression "bet" shall not include any bet or stake at any gambling conducted in accordance with subsection (1) of section 10 on premises exempted from certain provisions of this Part by section 9. Additional savings for lotteries

(2) Notwithstanding any rule of law, but subject to Part II—

(a) the making of bets by way of pool betting, within the meaning of Part II; and

(b) participation in any lottery which satisfies the conditions set out in subsection (3),

shall be deemed not to be gambling for the purposes of any provision of this Part relating to gambling in or being present at any gambling on or being concerned in the organization or management of, any premises exempted from certain provisions of this Part by section 9, if the gambling is conducted as is mentioned in section 10.

(3) The conditions referred to in paragraph (b) of subsection (2) are—

- (a) that the lottery is a lottery declared by sections 19 and 20 not to be an unlawful lottery; and
- (b) that each winner of a prize is ascertained either by the result of a draw or other determination or the outcome of an event.

Lotteries

Interpretation of
section 15 and
sections 17 to 24

16. (1) In section 15 and sections 17 to 24—

“lottery” includes any game, method or device whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot; and also includes the game or pretended game called or known as “whé-whé” or any similar game;

“money” includes a cheque, promissory note, banknote, postal order or money order;

“ticket” includes, in relation to any lottery or proposed lottery, any document or token or other article whatsoever evidencing the claim of a person to participate in the chances of the lottery;

(2) For the purposes of sections 17 to 24—

(a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words or symbols in a visible form; and

(b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside Trinidad and Tobago and the expression “distribution” shall be construed accordingly;

(c) a lottery shall be treated as continuing so to be, notwithstanding that some condition or requirement involving skill in

addition to the happening or fall of chance or lot is necessary to be fulfilled before the prizes are distributed or allotted.

17. Subject to this Act, all lotteries are unlawful.

Illegality of lotteries

18. (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Trinidad and Tobago or elsewhere—

Offences in connection with lotteries

- (a) prints any tickets for use in the lottery; or
- (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any ticket or chance in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery; or
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
- (d) brings, or invites any person to bring or send, into Trinidad and Tobago for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
- (e) sends or attempts to send out of Trinidad and Tobago any ticket or chance in the lottery, any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or identity of the holder, of any ticket or chance in the lottery; or

- (f) uses any premises, or causes or knowingly permits any premises over which he has care or control to be used, for purposes connected with the promotion or conduct of the lottery; or
- (g) draws, throws or declares or exhibits expressly or otherwise the winner or winning number, ticket, lot, figure, design, symbol or other result of any lottery; or
- (h) has in his possession or under his control any paper or other record whatsoever having thereon any mark or marks commonly known as "whé-whé" marks or similar to such marks; or
- (i) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for twelve months.

(2) In any proceedings instituted under subsection (1) it shall be a defence to prove that the lottery to which the proceedings relate was such a lottery as is declared by any subsequent section of this Part not to be an unlawful lottery, and that at the date of the alleged offence the defendant believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken.

Exemption of
lotteries incidental
to certain
entertainments

19. (1) Notwithstanding the provisions of this Act, a lottery promoted as an incident of entertainment to which this section applies shall be deemed not to be an unlawful lottery and is exempt from the requirements of this Act, except that the conditions specified in subsection (2) shall be observed in connection with the promotion and conduct of the lottery, and if any of those conditions is broken, every person concerned in the promotion or conduct of the lottery is guilty of an offence unless he proves that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent it.

(2) The conditions referred to in subsection (1) are that—

(a) the whole of the proceeds of the entertainment (including the proceeds of the lottery) after deducting the expenses of the entertainment, including expenses incurred in connection with the lottery, and in particular—

(i) the expenses incurred in printing tickets in the lottery; and

(ii) such sum, if any, not exceeding \$50.00 as has been expended by the promoters of the lottery on account of any expense incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

(b) none of the prizes in the lottery shall be money prizes;

(c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except in the premises on which the entertainment takes place and during the progress of the entertainment; and

(d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are bazaars, sales of work, fetes (dinners, dances, sporting or athletic events) and other entertainments of a similar character, whether limited to one day or extending over two or more days.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine of two hundred and fifty dollars.

(5) It shall be a defence for a person charged with an offence under subsection (1) only by reason of his being the promoter to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

Exemption of certain small lotteries conducted for charitable, sporting or other purposes

20. (1) This section applies to any lottery (not being a lottery which is deemed not to be unlawful by section 19) which is promoted in Trinidad and Tobago on behalf of a society to whom permission is granted by the Commissioner of Police under section 21, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say—

- (a) charitable purposes;
- (b) participation in or support of athletic sports or games or cultural activities;
- (c) purposes not described in the foregoing paragraphs, and not being purposes of private gain or purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

(2) Notwithstanding the provisions of this Act, a lottery to which this section applies shall be deemed not to be an unlawful lottery and is exempt from the requirements of this Act, except that the following conditions shall be observed in connection with the promotion and conduct of the lottery, that is to say—

- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as such;
- (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by him in connection therewith other than sums lawfully appropriated on account of expenses in respect of ticket seller's commissions, printer's fees, advertisement fees and such other like fees and expenses;
- (c) except with the approval of the Minister, no prize shall exceed five hundred dollars in amount or value, and no ticket or chance shall be sold at a price exceeding fifty cents;
- (d) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in paragraph (a), (b) or (c) of subsection (1);

- (e) except as otherwise permitted by the Commissioner of Police, the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or ten per cent. of the whole proceeds, whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;
- (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (g) except with the approval of the Minister, the total value of the tickets or chances sold shall not exceed five thousand dollars;
- (h) every ticket and every notice of advertisement of the lottery lawfully exhibited, distributed or published, shall specify the name of the society, the name and address of the promoter and the date on which the draw or other determination by which the prize-winners are ascertained will take place;
- (i) no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery; and
- (j) no ticket or chance shall be sold by or to a person under sixteen years of age.

(3) If any condition required by subsection (2) to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is a party to the contravention are guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

(4) It shall be a defence for a person charged with an offence under subsection (3) by reason of his being the promoter to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

21. The Commissioner of Police may, in his discretion, grant permission to a society, established and conducted wholly or mainly for any of the purposes specified in paragraphs (a), (b) and (c) of subsection (1) of section 20, to promote and conduct lotteries in accordance with the said section 20.

Permission to
hold small
lotteries

Sweepstake
conducted by
Turf Clubs

22. (1) Notwithstanding the provisions of this Act, any sweepstake organised and controlled by a Turf Club in connection with any race meeting conducted by such Turf Club and recognised by the Trinidad Turf Club shall be deemed not to be an unlawful lottery and is exempt from the requirements of this Act other than subsections (2) and (3).

(2) There shall be charged on every ticket sold or issued in connection with any such sweepstake a duty to be known as sweepstake duty calculated as follows—

(a) in respect of every ticket issued and sold for such a sweepstake—

(i) when the sweepstake is conducted in connection with, but such tickets are not issued and sold exclusively at, any race meeting held as aforesaid, the sum of three cents, when the price does not exceed ten cents, and a further two cents on every additional ten cents or part thereof in respect of such price;

(ii) when such sweepstake is conducted in connection with and such tickets are issued and sold exclusively at any race meeting held as aforesaid, the sum of two cents when the price does not exceed twelve cents and a further two cents on every additional twelve cents or part thereof in respect of such price;

(b) in respect of every ticket issued and sold for the lottery known as consolation sweepstake, the sum of three cents when the price does not exceed twelve cents and a further three cents on every additional twelve cents or part thereof in respect of such price.

(3) A sum of not less than five per centum of the balance left after deducting the sweepstake duty from the gross amount derived from the sale of tickets in respect of any sweepstake such as is mentioned in subsection (1) shall be distributed by the Turf Club conducting any such race meeting as aforesaid in such amounts and to such charities as the Governor-General may approve.

23. (1) Any money or money's worth paid, deposited for or in respect of the purchase of a lottery ticket other than a ticket sold in a lottery exempted from the provisions of this Part by section 19, 20 or 22 shall be recoverable as money had and received to the use of the person by whom the same was paid or deposited.

Recovery of money and contract for sale of lottery ticket

(2) Subject to section 24 every sale or contract for sale of a ticket in any lottery is void, and no action shall be maintained by any person in respect of such sale or contract except by the purchaser for the return of the money or other consideration, if any, paid thereon.

24. Notwithstanding section 23 or any rule of law, for the purposes of any provisions of this Act, an action shall lie upon any sale or contract for sale of a lottery ticket sold in a lottery exempted from the provisions of this Part by section 19, 20 or 22.

Action maintainable in respect of exempted lotteries

PART II

Betting

25. (1) In this Part,

Interpretation

- (a) "betting office licence" means a licence authorising the holder thereof to use any premises, in respect of which the licence is for the time being in force, as a betting office;
- (b) "betting transaction" includes the collection of, or payment of winnings on a bet and any transaction in which one or more of the parties is acting in the manner described in paragraph (a) or (b) of subsection (1) of section 27;
- (c) "contravention" in relation to any requirement, includes a failure to comply with that requirement, and "contravene" shall be construed accordingly;
- (d) "football pools" means any pool betting that is effected on or by way of the result of football matches wherever played;
- (e) "foreign pools operator" means an agent or representative of a principal who, in his own right and not as agent of another, carries on pool betting business in respect of football pools, outside Trinidad and Tobago;

- (f) "licensed betting office" means premises in respect of which a betting office licence is for the time being in force;
 - (g) "pool betting business" means business involving the receiving or negotiating of bets made by way of pool betting;
 - (h) "totalisator" means the contrivance for betting known as the totalisator or pari-mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.
- (2) For the purpose of this Act, bets shall be deemed to be made by way of pool betting either—
- (a) whenever a number of persons make bets on terms that the winnings of such of those persons as are winners shall be or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by all those persons, whether the bets are made by means of a totalisator or by filling up and returning coupons or other printed or written forms, or otherwise howsoever, or
 - (b) whenever a number of persons make bets on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners.

**Prohibition on
use of premises
for betting**

26. (1) Subject to the provisions of this Act, no person shall use, or cause or knowingly permit any other person to use, any premises for the purpose of the effecting by that person or, as the case may be, by that other person of betting transactions; and any person who contravenes the provisions of this subsection is guilty of an offence and liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for twelve months.

(2) Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of subsection (1) is liable on summary conviction to a fine of two hundred and fifty dollars.

(3) For the purposes of subsection (2) proof that any person was on any premises while they were being used as mentioned in that subsection shall be evidence that he resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.

27. (1) Except in accordance with the provisions of this Act, no person shall—

Prohibition of carrying on betting transactions subject to Act

- (a) whether on his own account or as servant or agent to any other person carry on the business of receiving or negotiating bets or conducting pool betting operations; or
- (b) by way of business in any manner hold himself out, or permit himself to be held out, as a person who receives or negotiates bets or conducts such operations.

(2) Notwithstanding anything contained in this Act, a servant or agent of the holder of a betting office licence may carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) on the premises in relation to which that licence is for the time being in force without being the holder of a permit so to do.

(3) A person who contravenes the provisions of subsection (1) is guilty of an offence, and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

28. (1) A person who is the holder of a betting office licence in respect of any premises in relation to which that licence is for the time being in force may use those premises for the effecting of any betting transaction by or through that person or any servant or agent of his.

Betting office licences

(2) The following persons, and those persons only may apply for the grant or renewal, as the case may be, of a betting office licence in respect of any premises—

- (a) a person who is for the time being the holder of or applicant for a permit authorising him to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27;
- (b) the Trinidad and Tobago Turf Clubs.

First Schedule

(3) Subject to this section, the Rules contained in the First Schedule shall have effect for the purposes of betting office licences, and a permit to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27 and a pin ball machine licence and a permit to operate a pin ball machine under section 13.

(4) An application for the grant of a betting office licence in respect of any premises may be made notwithstanding that the premises have still to be constructed or are still in the course of construction.

(5) A betting office licence granted to a foreign pools operator entitles that person to carry on pool betting business as a foreign pools operator only and no other betting transaction may be effected by such person and a betting office licence granted to any other person does not entitle that person to carry on business as a foreign pools operator.

Permit to carry on betting business

29. A person desiring permission to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27, may apply for the grant of a permit so to do in accordance with the provisions of this Act.

Conduct of licensed betting offices

Second Schedule

30. (1) A licensed betting office shall be managed in accordance with the rules set out in the Second Schedule, and the provisions thereof apply *mutatis mutandis* to premises in which pin ball machines are kept; in the case of any contravention of any of those rules the licensee and any servant or agent of the licensee by whom the contravention was committed is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

(2) Where any person is charged with an offence under subsection (1) by reason only of his being a licensee, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

(3) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, in the case of a licensed betting office the licensee or any servant or agent of his may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose

presence on those premises would subject the licensee or any servant or agent of his to a penalty under subsection (1); and if any person liable to be expelled from the licensed premises under this subsection, when requested by the licensee, any servant or agent of the licensee or any constable to leave those premises, fails to do so, he is guilty of an offence and liable on summary conviction to a fine of twenty-five dollars.

(4) Any constable may, on the request of the licensee or any servant or agent of the licensee, help to expel from a licensed betting office any person whom the constable has reasonable cause to believe to be liable to be expelled therefrom under subsection (3), and the constable may use such force as may be required for that purpose.

(5) Any constable may enter any licensed betting office for the purpose of ascertaining whether the provisions of subsection (1) are being complied with, and any person who obstructs any constable in the exercise of his powers under this subsection is guilty of an offence and liable on summary conviction to a fine of fifty dollars.

31. The Third Schedule shall have effect for the purpose of regulating the conduct of pool betting business.

Conduct of pool
betting businesses
Third Schedule

32. (1) The holder of a betting office licence, other than the Turf Club, shall deposit in the Treasury the sum of fifty thousand dollars in respect of his betting business and the deposit shall be invested in the discretion of the Minister in liquid securities and the interest thereon paid to the depositors thereof at yearly intervals.

Deposit in
respect of
guarantee

(2) In the event of such holder of a betting office licence failing to pay any claim validly made on him in respect of a betting transaction, so much of the deposit referred to in subsection (1) as is necessary to meet the amount of such claim shall be applied for that purpose, but if the deposit is insufficient for the purpose the amount necessary to meet the balance of such claim may, notwithstanding any rule of law to the contrary, be recovered by action.

(3) For the purposes of subsection (2) the validity of any claim in respect of a betting transaction—

(a) shall be determined by the Commissioner where the amount of such claim does not exceed \$500.00;

(b) may be determined by the Commissioner with the consent of the parties thereto where the claim exceeds \$500.00,

and where a claim is so determined the decision of the Commissioner shall in either case be final for all purposes.

(4) Notwithstanding any rule of law to the contrary, but subject to subsection (3), an action shall lie for the recovery of any amount claimed in respect of any betting transaction conducted by the holder of a betting office licence.

(5) When the deposit or a part thereof is to be applied to meet the amount of any claim held to be valid by the Commissioner or by a court, the Commissioner shall certify the amount payable and upon presentation of such certificate to the Accountant General the amount so certified shall be paid by the Treasury out of the deposit.

(6) Where the amount of any claim is held to be valid by a court the clerk of the court or the registrar thereof shall send a certified copy of the order or judgment to the Commissioner within twenty-one days of the making of such order or judgment.

(7) Where a payment is made by the Treasury out of a deposit in satisfaction of any claim in respect of a betting transaction, the amount by which the deposit required by subsection (1) to be deposited in the Treasury is thereby reduced shall be deposited in the Treasury before a person or any of his servants or agents undertake any further betting transactions.

(8) The holder of a betting office licence, other than the Turf Club, is guilty of an offence and liable to a fine of five hundred dollars, who effects any betting transaction—

(a) without making a deposit required by subsection (1); or

(b) without depositing the amount required to be deposited in the circumstances set out in subsection (7).

**Pool betting
duty**

33. (1) There shall be charged on all bets made by way of pool betting a duty to be known as the pool betting duty, equal to twenty per centum of the amount of the stake paid.

(2) The pool betting duty shall be paid by the promoter.

(3) The supplemental provisions set out in the Fourth Schedule Fourth Schedule shall have effect with respect to the pool betting duty.

(4) This section and the Fourth Schedule shall apply in relation to all bets, wherever made, where the promoter of the betting is the holder of a betting office licence.

(5) Seventy-five per centum of the pool betting duty shall be credited to general revenue and twenty-five per centum thereof shall be distributed among such charities in such amounts as the Governor-General determines.

(6) This section and the Fourth Schedule shall not apply in relation to any bet made before the commencement of this Act.

34. (1) In sections 33 and 35 and the Third and Fourth Interpretation Schedules—

“bet” does not include the taking of a ticket or chance in any lottery which by virtue of sections 19, 20 and 22 is to be deemed not to be an unlawful lottery;

“promoter” means, in relation to any pool betting, the person to whom the persons making the bets look for the payment of their winnings, if any, and includes a foreign pools operator.

(2) For the purposes of this Act any bet that is not deemed to be by way of pool betting shall be deemed to be a bet at fixed odds.

(3) For the purposes of the pool betting duty where any payment in respect of the duty is made before a person is entitled to make a bet by way of pool betting that payment shall, if he makes the bet, be treated as part of the bet.

35. (1) There shall be charged on all bets at fixed odds Tax on fixed odds betting a tax equal to twenty-five per centum of the amount of the stake paid.

(2) All tax chargeable on bets under subsection (1) shall be paid by the promoter.

(3) The Fourth Schedule shall *mutatis mutandis* have effect with respect to the tax chargeable on bets mentioned in subsection (1).

Betting in
streets

36. (1) Any person frequenting or loitering in streets or public places on behalf either of himself or of any other person for the purpose of contravening section 27, or betting or wagering or agreeing to bet or wager, or paying or receiving or settling bets is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars and shall be liable to the forfeiture of all books, cards, papers and other articles relating to betting transactions that may be found in his possession.

(2) A constable may take into custody without warrant any person found committing an offence under subsection (1) and may seize and detain any article liable to be forfeited under the said subsection.

(3) For the purpose of this section "street" includes any highway, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and "public place" includes any public park, garden, or sea-beach, and any unenclosed ground to which the public for the time being have unrestricted access.

(4) Nothing in this section shall apply to a Turf Club in respect of betting transactions carried on upon any ground used for the purpose of holding horse race meetings by the Turf Clubs on days on which races take place.

Betting with
young persons

37. (1) If any person—

- (a) has any betting transaction with a young person; or
- (b) employs a young person in the effecting of any betting transaction or in a licensed betting office; or
- (c) receives or negotiates any bet through a young person,

and knows or ought to know that such person is a young person he is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars.

(2) A person shall not be guilty of an offence under subsection (1) by reason of the carriage by a young person of a communication relating to a betting transaction for the purposes of its conveyance by post.

(3) In this section, the expression "young person" means a person—

- (a) who is under the age of eighteen years or who being under the age of twenty years is a student on the roll of a primary or secondary school; or
- (b) who is apparently under the age of eighteen years.

(4) Notwithstanding subsections (1) and (2), in the case of any proceedings for an offence under this section in respect of a person apparently under the age of eighteen years it shall be a defence to prove that at the time of the alleged offence he had in fact attained that age or where it is proved that he was under the age of eighteen years that he appeared to have attained that age.

38. (1) If the holder of a betting office licence is convicted—

- (a) of an offence under section 26, or
- (b) of an offence under sections 36 and 37; or

(c) of any offence involving fraud or dishonesty, in the case of an offence under sections 26, 36 and 37 the court by or before which he is convicted may, if the court thinks fit, in addition to any other penalty imposed for that offence, order that his licence shall be forfeited and cancelled, and in the case of an offence involving fraud or dishonesty shall so order that his licence shall be forfeited and cancelled and where the licence is ordered to be forfeited and cancelled the court shall order the payment of all duties and taxes payable under this Act and all valid claims to be made out of the deposit referred to in section 32.

(2) An order under subsection (1) shall be deemed for the purposes of any appeal to be part of the sentence for the offence; and the licence shall not be forfeited or cancelled under that order—

- (a) until the date of expiration of the period within which notice of appeal against the conviction or sentence may be given; or
- (b) if notice of appeal against the conviction or sentence is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal.

Cancellation of
and disqualifica-
tion for betting
office licence

(3) A person whose betting office licence is forfeited and cancelled in pursuance of an order under subsection (1) shall, in the case of forfeiture and cancellation for fraud or dishonesty by virtue of that order, be disqualified for life for holding or obtaining a licence.

(4) In the case of forfeiture and cancellation for any cause other than fraud or dishonesty a person whose betting office licence is so forfeited and cancelled shall, by virtue of that order, be disqualified for holding or obtaining a licence for a period of five years beginning with the date of the conviction which gave rise to the order, or the determination or abandonment of the appeal whichever is later.

(5) Where a betting office licence is forfeited and cancelled in pursuance of an order under subsection (1), the clerk of the court by which the order was made shall send a copy of the order to the authority referred to in the First Schedule.

Offences by
holder of betting
office licence

39. (1) Any holder of a betting office licence who employs in his betting transactions any person known to him to be for the time being disqualified under subsections (3) and (4) of section 38 is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars.

(2) If the holder of a betting office licence, on being required by a constable to produce his licence for examination, refuses or without reasonable cause fails so to do, he is guilty of an offence and liable on summary conviction to a fine of fifty dollars.

PART III

Miscellaneous and General

Interpretation
of Act

40. In this Act—

“Commissioner” means the Commissioner of Inland Revenue;

“Minister” means the person to whom responsibility for Finance is assigned;

“pinball machine licence” means a licence in respect of premises on which a pinball machine is kept under section 13;

“Trinidad and Tobago Turf Clubs” or “Turf Club” means any one of the following—

- (i) the Trinidad Turf Club;
 - (ii) the Arima Race Club;
 - (iii) the New Union Park Turf Club; and
 - (iv) the Tobago Race Club,
- as the case may be;

“winnings” includes winnings of any kind and any reference to amount and to payment in relation to winnings shall be construed accordingly.

41. (1) If a magistrate is satisfied on information on Enforcement and penalties oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant and search them; and any constable who enters the premises under the authority of the warrant may—

- (a) seize and remove any document or any exposed money or valuable thing or any instrument and appliances for gambling within the meaning of section 2 or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence; and
- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(2) On conviction for an offence under this Act, all such instruments and appliances for gambling shall be destroyed, and all such moneys or securities for money shall be paid in to the general revenue.

(3) Where owing to the lateness of the hour or other Power to search without warrant reasonable cause, it is inconvenient to obtain a warrant, any police officer not under the rank of inspector, may by night or day, without warrant, enter any premises, other than a private dwelling house, which he has reasonable

grounds for believing is kept or used as a common gaming house, and any such officer shall, upon such entry, have the same powers of search, arrest, and seizure as may be exercised by a constable duly authorised by warrant under this section.

(4) Notwithstanding subsections (1) and (3) where any constable has reasonable grounds for believing that the game of "whé-whé" is being conducted in any open place or open yard, or on any premises to which the public is invited or admitted, other than a private dwelling house, he may enter any such place, yard or premises, and he shall, upon such entry, have the same powers of search, arrest, and seizure as may be exercised by a constable duly authorised by warrant under this section, so, however, that no such entry without a warrant shall be made unless such officer is, at the time of entry, in the dress and uniform of the Police Force.

**Unclaimed
moneys**

42. (1) All moneys and other prizes in respect of the winnings in any lottery exempted from the provisions of Part I or in respect of the winnings of any betting transaction conducted by the holder of a betting office licence under Part II that remains unpaid to the winner thereof at the end of one year after the declaration of the results of such lotteries or betting transactions shall be paid over to the Treasury by the promoters thereof.

(2) For the purposes of subsection (1), where a prize in a lottery or a betting transaction does not consist of money, the prize shall after the period specified in subsection (1) be sold in the open market by the promoter of the lottery or betting transaction and the proceeds thereof less the expenses of the sale, shall be paid over to the Treasury as aforesaid.

(3) The Minister shall, on presentation of proof to his satisfaction by the winner of any such moneys or moneys representing such prizes as are mentioned in subsections (1) and (2) that such winner is entitled to the moneys or prizes aforesaid authorise the payment and distribution of the amount of such moneys to the winners thereof, and the same shall without further authority be paid by the Treasury.

(4) Where payment is made by the Treasury in accordance with subsection (3) the validity thereof shall not be enquired into by any court and no action shall lie or be maintained in respect of the lottery or betting transaction that resulted in the payment aforesaid.

(5) At the end of three years after the winnings are required to be paid over to the Treasury under subsection (1), no application for the payment of winnings shall, except with the approval of the Governor-General, be entertained and all rights, claims, actions or other causes in respect of such winnings shall, if not already pending, be barred.

43. After the commencement of this Act, every person, other than a foreign pools operator, who sends or causes to be sent out of Trinidad and Tobago any money or valuable thing in connection with any betting transaction is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars.

Offences of
sending money
abroad

44. The Postmaster General may on a warrant in writing under the hand of the Governor-General open or cause to be opened any postal packet received for transmission by post to a destination outside of Trinidad and Tobago, other than a postal packet proved to have been posted by a foreign pools operator, which he suspects to contain any money or valuable thing attempted to be sent out of Trinidad and Tobago in contravention of section 43 and, on conviction of any person for an offence under section 43 in respect thereof, any money or valuable thing found therein shall be forfeited to the Crown.

Postmaster
General may
open suspect
postal packet
on warrant of
Governor-General

45. The Governor-General may, for the purposes of giving effect to the provisions of this Act and the Schedules hereto, make such regulations as may be necessary or expedient.

Regulations

46. The Gambling Ordinance and the Pool Betting Ordinance are hereby repealed.

Repeal
Ch. 4 No. 20
Ch. 30 No. 21

47. Nothing in section 37 or in paragraph 2 of the Second Schedule shall apply to the Turf Club.

Application of
Part II to Turf
Club

48. This Act shall come into force on a day to be appointed by the Governor-General by proclamation published in the *Gazette*.

Commencement

FIRST SCHEDULE

Sections 13 & 28 (3)

PERMITS TO CARRY ON SUCH BUSINESS AS IS MENTIONED IN PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF SECTION 27 OF THE ACT, PERMITS TO OPERATE A PIN BALL MACHINE UNDER SECTION 13 OF THE ACT, PIN BALL MACHINE LICENCES AND BETTING OFFICE LICENCES

1. The Governor-General may appoint a fit and proper person to be the authority responsible for the grant or renewal of a permit to carry on such business as is mentioned in paragraphs (a) or (b) of subsection (1) of section 27 of the Act, a permit to operate a pin ball machine under section 13 of the Act, a betting office licence or a pin ball machine licence.

2. In this Schedule—

“Act” means the Gambling and Betting Act, 1963;

“appropriate officer of police” means the senior officer of police for the district in which the premises are, or are to be situated;

“authority” means the person appointed by the Governor-General under paragraph 1;

“prescribed” means prescribed by regulations made under the Act.

3. The authority shall for each year fix a day in each of the months of January and July as a day on which, subject to paragraph 4, he will consider any application for the grant of a betting office licence or a permit to carry on such business as is mentioned in paragraphs (a) or (b) of subsection (1) of section 27 of the Act, or a permit to operate a pin ball machine under section 13 of the Act or pin ball machine licence then awaiting consideration.

4. In addition to any day fixed in pursuance of the last foregoing paragraph, the authority may on any other day in the year consider such applications as aforesaid.

5. Any such application as aforesaid may be made at any time and shall be made to the authority in such form and manner, and shall contain such particulars, and, if the application is for a permit, give such references, as may be prescribed; and, not later than seven days after the date when the application is made, the applicant shall send a copy of the application to the appropriate officer of police, and if the applicant knowingly makes any false statement in any such application or copy thereof he shall be liable on summary conviction to a fine of two hundred and fifty dollars.

6. Not later than twenty-eight days before the hearing of any such application as aforesaid to the authority, the applicant shall cause to be published by means of an advertisement in a newspaper circulating in Trinidad and Tobago a notice of the making of the application which shall also state that any person who desires to object to the grant of

the permit or licence should send to the authority, before such date not later than ten days after the publication of the advertisement as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection; and, in the case of an application for the grant of a betting office licence in respect of any premises, the applicant shall also cause a like notice to be posted up outside the entrance, or on the site of the proposed entrance, to the premises not later than fourteen days before the date specified as aforesaid and take such steps as he reasonably can to keep that notice so posted until that date.

7. Not later than seven days after the publication of the newspaper containing the advertisement of any such application as aforesaid required by the last foregoing paragraph, the applicant shall send a copy of that newspaper to the authority, and the authority shall not consider the application earlier than fourteen days after the date specified in the advertisement; and, not earlier than the said date and not less than seven days before the date appointed for the consideration of the application, the authority shall send notice in writing of the date, time and place at which the application will be considered—

- (a) to the applicant;
- (b) to the appropriate officer of police; and
- (c) if the authority has received from any person an objection in writing which has not been withdrawn and the address of that person is known to the authority, to that person, and also cause notice of the said date, time and place and also a list of the several applicants to be published in a newspaper circulating in Trinidad and Tobago, and in sending such a notice to the applicant the authority shall include therewith a copy of any objection to the grant of the permit or licence which has been received by the authority from the appropriate officer of police, or any other person.

8. The authority, in each year in which any application for the renewal of a permit to carry on such business as is mentioned in paragraphs (a) or (b) of subsection (1) of section 27 of the Act, or a permit to operate a pin ball machine under section 13 of the Act, or pin ball machine licence, or betting office licence, falls to be considered shall in the months of December and June cause to be published by means of an advertisement in a newspaper notice of a day on which and the time and place at which applications will be considered and shall state—

- (a) that any such application must be received by the authority before a specified date, being a date not earlier than fourteen days after the publication of the advertisement;
- (b) that any person who desires to object to the renewal by the authority of any particular permit or licence should send to the authority before the said specified date two copies of a brief statement in writing of the grounds of his objection.

9. Any application for the renewal of a permit or licence mentioned in paragraph 8, shall be made to the authority before the date specified for the purpose in the notice given in pursuance of paragraph 8 and shall be in such form and contain such particulars as may be prescribed; and, not earlier than that date nor later than seven days before the

day in the months of January and July appointed by the notice for the consideration of such applications, the authority—

- (a) if he has received from any person an objection in writing to the renewal of a particular permit or licence (being an objection which has not been withdrawn) and the address of that person is known shall send to that person in writing a notification as to whether or not an application for the renewal of that permit or licence has been made;
- (b) shall send to the person by whom any application for the renewal of a permit or licence has been duly made a copy of any objection to the renewal which he has received from the appropriate officer of police, or any other person and which has not been withdrawn.

PROCEEDINGS BEFORE AUTHORITY

10. On any application for a grant or renewal of a permit to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27 of the Act or a pin ball machine licence, or a permit to operate a pin ball machine under section 13 of the Act or betting office licence, the authority may in his discretion, grant or renew the permit or licence after hearing the applicant and such other evidence as he considers necessary if no objection to the grant or renewal has been made by any person or if every such objection has been withdrawn before the date and time of the consideration of the application; but, save as aforesaid, any of the following persons, that is to say—

- (a) the applicant;
- (b) any person from whom an objection in writing which has not been withdrawn was received by the authority before the day on which he sent out the documents referred to in paragraph 7 or, as the case may be, paragraph 9; and
- (c) the person making any other objection which the appropriate authority has decided under paragraph 11 that he will hear, shall be entitled to be heard either in person or by counsel or a solicitor; and the authority shall also hear any representations made otherwise than by way of objection by, or by any person authorised in that behalf by, the appropriate officer of police.

11. Where in the case of an application for the grant or renewal of any such permit or licence as aforesaid an objection to the grant or renewal is received or made on or after the day referred to in subparagraph (b) of paragraph 10, the authority may refuse to entertain the objection and, unless the applicant requests otherwise, shall not hear the objection until the objector has given to the authority and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of his objection.

12. The authority may from time to time adjourn the consideration of any application for the grant or renewal of such a permit or licence whether for the purpose of paragraph 11 or for any other purpose.

13. On the consideration of any application for the grant or renewal of any permit or licence as aforesaid, the authority may take evidence on oath and may make such order as he thinks fit for the payment of costs, and any costs ordered by the authority to be paid under this paragraph shall be recoverable summarily as a civil debt.

GROUNDS FOR REFUSAL TO GRANT OR RENEW A PERMIT TO CARRY ON BUSINESS UNDER SECTION 27 OF THE ACT AND A PERMIT TO OPERATE A PIN BALL MACHINE UNDER SECTION 13 OF THE ACT

14. The authority shall refuse any application for the grant or renewal of a permit to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27 of the Act or a permit to operate a pin ball machine under section 13 of the Act if it appears that the applicant—

- (a) is under twenty-one years of age; or
- (b) is for the time being disqualified under subsections (3) and (4) of section 38 of the Act.

15. In the case of an application for the grant or renewal of a permit to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27 of the Act or a permit to operate a pin ball machine under section 13 of the Act the authority may refuse the application if—

- (a) he is not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to be the holder of such a permit; or
- (b) the authority is satisfied that, if the permit were to be granted or renewed the business to which it relates, would be managed by or carried on for the benefit of a person other than the applicant, being a person who would himself be refused a grant or renewal of such permit either under paragraph 14 or under subparagraph (a) of this paragraph.

GROUNDS FOR REFUSAL TO GRANT OR RENEW BETTING OFFICE LICENCE OR PIN BALL MACHINE LICENCE

16. (1) In the case of an application for the grant or renewal of a betting office licence, or a pin ball machine licence in respect of any premises, the authority—

- (a) shall refuse the application if he is not satisfied—
 - (i) in the case of an applicant, other than the Turf Club, that the premises are or will be enclosed; and
 - (ii) that there are or will be means of access between the premises and a street;
 - (iii) that there will be no access through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions;
- (b) may refuse the application on the ground—
 - (i) subject to subparagraph (2) of this paragraph, that, having regard to the lay-out, character, condition or location of the premises, it is not suitable for use as a licensed betting office or for keeping a pin ball machine; and
 - (ii) that the grant or renewal would be inexpedient having regard to the demand for the time being in the locality for the facilities afforded by licensed

betting offices or for premises on which pin ball machines are kept and to the number of such offices or premises for the time being available to meet that demand; or

- (iii) that the premises have not been properly conducted under the licence.

(2) Nothing in subparagraph (1) shall apply to the Turf Club in respect of any ground used for the purpose of holding horse race meetings by the Turf Clubs on days on which races take place.

GRANT OR RENEWAL OF PERMIT OR LICENCE

17. Save as provided by paragraphs 14 to 16, the authority shall not refuse any application for the grant or renewal of a betting office licence or a permit to carry on such business as is mentioned in paragraphs (a) or (b) of subsection (1) of section 27 of the Act or a permit to operate a pin ball machine under section 13 of the Act, or a pin ball machine licence made, in accordance with the provisions of the Act, but shall grant or renew the permit or licence on payment by the applicant to the Commissioner of a fee of—

- (a) in the case of the grant or renewal of a betting office licence—
 - (i) in respect of a person not being a foreign pools operator, \$25,000;
 - (ii) in respect of a person who is a foreign pools operator, \$50,000.
- (b) in the case of the grant or renewal of a permit to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27 of the Act, \$500;
- (c) in the case of a permit to operate a pin ball machine under section 13 of the Act, \$500;
- (d) in the case of the grant or renewal of a pin ball machine licence, \$2,000 for each machine kept on the premises,

and if the authority refuses any such application he shall state in writing the grounds of his refusal.

DURATION OF PERMIT OR LICENCE

18. A permit to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27 of the Act, or a permit to operate a pin ball machine under section 13 of the Act or betting office licence or pin ball machine licence shall be in the prescribed form and shall show the date with effect from which it is to be, or, as the case may be, to be continued, in force and, subject to paragraphs 19 and 20, shall unless renewed or, as the case may be, further renewed, cease to be in force at the end of the 12 month period commencing on the date it first comes in force or on the date of its last renewal, as the case may be.

19. A betting office licence held by the holder of a permit to carry on such business as is mentioned in paragraph (a) or (b) of subsection (1) of section 27 of the Act shall cease to be in force upon that permit ceasing to be in force, whether by virtue of paragraph 18 or by virtue of its cancellation under subsection (1) of section 38 of the Act.

20. In the event of the death of the holder of such a permit or licence as is mentioned in paragraph 18, the permit or licence shall not cease to be in force by virtue only of the death of the holder and his legal personal representatives shall be deemed to be the holder thereof.

SERVICE OF DOCUMENTS

21. Any provision of this Schedule requiring any notice or other document to be given or sent to any person by the authority shall be deemed to be satisfied if the document is either served personally on that person or sent to him by post at his usual or last known residence or place of business in Trinidad and Tobago.

22. (1) Any person referred to in paragraph 10 who is aggrieved by the grant or refusal of any application by the authority under the provisions of this Schedule may appeal to the Court of Appeal.

(2) Such appeal shall be subject to the provisions of the Summary Courts Ordinance, Chapter 3. No. 4 relating to appeals thereunder.

Section 30 (1)

SECOND SCHEDULE

RULES FOR LICENSED BETTING OFFICES

1. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday, and at such other times, if any, as may be prescribed, and shall not be used for any purpose other than the effecting of betting transactions.

2. No person who is a young person, within the meaning of subsection (3) of section 37 of the Act, or who is known to any person connected with the licensee's business and present on the licensed premises to be under that age, shall be admitted to or allowed to remain on those premises, so, however, that in any proceedings for a contravention of this rule in respect of a young person, within the meaning of subsection (3) of the said section 37, it shall be a defence to prove that at the time of the alleged contravention he had in fact attained the required age or that he had apparently attained that age.

3. The licensee—

(a) shall display his betting office licence in a conspicuous place on the licensed premises;

(b) shall exhibit on these premises such notices in such form and in such positions as may be prescribed; and

(c) shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.

4. No facilities for seeing any television broadcast, or hearing any sound broadcast which comprises matter other than information relating to events in connection with which betting transactions may be or have been effected on the licensed premises, shall be provided or allowed to be used on the licensed premises, and neither the licensee nor any servant or agent of his shall cause or permit any such facilities to be provided at any place under his control in such a manner that they can be enjoyed

by persons resorting to the licensed premises; and no music, dancing or other entertainment shall be provided or allowed, and except in the case of the Turf Club no refreshment of any kind shall be served, on those premises.

Section 31

THIRD SCHEDULE

REQUIREMENTS AS TO CONDUCT OF POOL BETTING BUSINESS

Conduct of pool betting business

1. (1) Subject to the provisions of this paragraph, the pool betting business carried on by any holder of a betting office licence shall comply with the following requirements :—

- (a) it shall take the form of the promotion of competitions for prizes for making forecasts as to sporting or other events, the bets being entries in the competitions and the winnings in respect of the bets being the prizes or shares in the prizes;
- (b) each bet shall be an entry in a particular competition;
- (c) the stakes and the winnings shall be wholly in money;
- (d) in each competition, the prizes shall be equally available for all the bets and accordingly the question which bets qualify for, or for shares in, the prize or prizes and, save so far as it depends on the amounts staked, the amounts of the respective shares in the prizes, shall be determined solely by the relative success of the forecasts embodied in the respective bets;
- (e) the total amount payable by way of winnings shall, in the case of each competition, be the total amount of the stakes less the pool betting duty payable in respect thereof in respect of entries in that competition less such percentage of that total amount as may be determined by the promoter, being the same percentage in respect of all his competitions which depend on the same event or events taking place on the same day (and being a percentage which is determined and notified to the accountant appointed under paragraph 4 before that day);
- (f) the rules or any alteration thereof applying to the competition shall be posted up on some conspicuous part of the licensed premises and notified to the accountant at least one day before the first of the relevant sporting or other events take place.

(2) Notwithstanding anything in clause (d) or clause (e) of subparagraph (1) if it is found that a bet which ought to have been treated as a winning bet has been inadvertently overlooked, the promoter shall pay to the person making that bet the sum paid by him to other persons making comparable bets or, if there are no comparable bets, such sum as would have been payable had such winning bet not been overlooked.

Rejected entries

2. References in this Schedule to stakes in, or in respect of entries in, any competition do not include references to stakes in respect of rejected entries.

3. (1) As soon as may be after the events to which any of his **Information to be** competitions relate have taken place, and in any case not later than **supplied and** seven days after the announcement of the results of that competition, **published by** every promoter shall send to the accountant a statement showing :— **promoters**

- (a) the total amount of the stakes in respect of entries in the competition;
- (b) the total amount payable by way of winnings in that competition;
- (c) the total amount of the stakes in respect of winning bets in the competition, and if there are more prizes than one in the competition, the total amount of the stakes in respect of winning bets qualifying for, or for shares in, each of the prizes; and
- (d) the amount payable in respect of each winning bet.

(2) In September in each year every promoter shall send to the accountant and to the Commissioner a statement showing, as respects his pool betting business for the 12 months period ending 30th June in the same year—

- (a) the aggregate total stakes in all his competitions;
- (b) the aggregate prize money in respect of those competitions;
- (c) the amount of the promoter's commission (as defined for the purposes of this Schedule) and the percentage (calculated to the nearest one-tenth of one per cent.) which the said commission bears to the said aggregate total stakes.

4. (1) The Commissioner may in the case of each promoter appoint **Appointment,** a person or persons being a qualified accountant to exercise and perform **&c.,** of the **in relation to that promoter, the powers and duties conferred and imposed** accountant by the provisions of this Schedule.

(2) The remuneration of the accountant in respect of each promoter shall be payable out of the general revenue, but the sums so paid to the accountant shall be recoverable by the Treasury Solicitor as a debt due to the Crown from the promoter.

(3) A Petty Civil Court shall have jurisdiction to hear and determine any such claim as is mentioned in sub-paragraph (2) without limit of jurisdiction notwithstanding that the amount claimed exceeds \$250.00 and the provisions of the Petty Civil Courts Ordinance, shall **Ch. 3. No. 3** apply in respect of every such action.

(4) In this section "remuneration" includes any sum paid or to be paid to the accountant in respect of his expenses.

- (1) The accountant shall—
 - (a) examine all statements submitted to him under paragraph 3 **Duties and powers** with a view to determining whether there is cause to believe **of the accountant** that any of the provisions of this Schedule are being contravened in relation to the competition in question; and
 - (b) retain all such statements for two years; and
 - (c) at any time during that period give facilities for their examination by any officer of the Inland Revenue Department authorised in that behalf by the Commissioner.

(2) The accountant and any servant of his authorised in that behalf by him in writing may at all reasonable times enter any premises on which a promoter is carrying on his business and enquire into the manner in which that business is being carried on, and may require the promoter or any servant of his to give to the accountant or servant so authorised all such information and produce all such accounts, books and other documents and carry out such checks or additional checks of coupons or other entry forms as the accountant or servant so authorised may think necessary for the purpose of determining whether there is cause to believe that any of the provisions of this Schedule are being contravened; and it shall be the duty of the promoter to preserve in good condition all accounts, books or other documents (including coupons or other entry forms) that relate wholly or partly to any of his competitions for, in the case of coupons and other entry forms, at least two months, and in the case of accounts, books or other documents, at least two years, from the day on which the events take place on which that competition depends.

(3) If at any time the accountant has cause to believe that any of the provisions of this Schedule are being contravened in relation to any of the competitions of a promoter, he shall report the matter to the Commissioner.

(4) Not later than the end of November in each year the accountant shall furnish to the Commissioner a report stating, if such be the fact, that he has examined all statements submitted to him by a promoter under paragraph 3 for the period mentioned in subparagraph (2) of that paragraph which ended in that year, has conducted such enquiries into the manner in which the business of that promoter is carried on and made such examination of that promoter's records as he considers necessary and whether or not he has cause to believe that any of the provisions of this Schedule have been contravened in relation to any of the competitions of that promoter taking place during the said period.

Enforcement

6. (1) Any person who—

- (a) obstructs the accountant or any servant of his in the execution of any powers or duties under this Schedule; or
- (b) fails to comply with any requirement duly made on him by the accountant or any servant of his, or, in response to such a requirement, knowingly gives any information which is false or misleading,

is guilty of an offence under this Schedule.

(2) If any promoter fails to comply with any duty imposed upon him by this Schedule or if any of the provisions of this Schedule, except so far as they impose duties on the accountant or the Commissioner, are contravened in the case of the business of any promoter, the promoter is guilty of an offence under this Schedule.

(3) The Commissioner shall have power to take proceedings for offences under this Schedule.

(4) A person guilty of an offence under this Schedule is liable on Summary conviction to a fine of \$1,000.

7. Any reference in this Schedule to the day on which the events Interpretation on which a competition depends takes place shall, where the events do of Third not take place wholly on the same day, be construed as a reference to Schedule the last day on which any of the events take place.

Section 33 (3)

FOURTH SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO THE POOL BETTING DUTY

1. The pool betting duty shall be under the care and management of the Commissioner, and shall be paid over at such times by the persons by whom it is payable as the Commissioner may direct.

2. Any person who, after the commencement of the Gambling and Betting Act, 1963, carries on any business the carrying on of which involves or may involve any sums becoming payable by him by way of the pool betting duty, shall—

- (a) not less than fourteen days before he begins to carry on the business notify the Commissioner that he intends to carry on that business; and
- (b) not later than the date of the first user thereof for the purposes of the business, make entry with the Commissioner in such manner as the Commissioner may require, of all premises and totalisators (if any) used by him for the purposes of the business; and
- (c) keep such books, records and accounts in relation to the business as the Commissioner may direct, and, for at least two years or such longer period as the Commissioner may in any particular case direct, preserve, on premises of which entry has been made as aforesaid, any books, records and accounts directed to be kept by him under this paragraph and any other books, records, accounts or documents relating to the business; and
- (d) permit any officer authorised in that behalf by the Commissioner to enter on any premises used for the purposes of the business, to inspect any totalisator used for the purposes thereof and to inspect and take copies of any books, records, accounts or other documents in his possession or custody or on any premises used for the purposes of the business, being books, records, accounts or documents which relate or appear to relate to the business;

and any such person, and any other person employed, or having functions in connection with, any such business, shall if required so to do by the Commissioner or any officer authorised in that behalf by the Commissioner, produce, at a time and place to be specified by the Commissioner or the officer, any such books, records, accounts or documents relating to the business and make, at times and to persons to be so specified, such returns relating to the business, as the Commissioner or the officer may require.

3. A person is guilty of an offence under this Schedule and liable on summary conviction to a fine of one thousand dollars or treble the amount of the duty which is unpaid or payment of which is sought to be evaded, as the case may be, at the election of the Commissioner who—

- (a) fails to pay any pool betting duty payable by him; or

- (b) contravenes any of the provisions of paragraph 2; or
- (c) obstructs any officer in the exercise of his functions in relation to the pool betting duty; or
- (d) in connection with the pool betting duty, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, or, with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular; or
- (e) is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of the pool betting duty.

4. Where a person is convicted of an offence under subparagraph (d) or subparagraph (e) of paragraph 3, the court may, in lieu of or in addition to ordering him to pay the said penalty, order him to be imprisoned for a term not exceeding two years.

5. Where a person is convicted under paragraph 3 in respect of a failure to comply with any of the provisions of paragraph 2 and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of an offence under this Schedule.

6. Where an offence under this Schedule has been committed by a company, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the company, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity, and in all the circumstances.

7. (1) Summary proceedings in respect of an offence under this Schedule may, notwithstanding anything to the contrary in the Summary Courts Ordinance, be taken at any time within six months from the date on which evidence comes to the knowledge of the Commissioner or evidence which is in his opinion sufficient to justify the proceedings but so that proceedings shall not be taken more than three years after commission of the offence.

(2) For the purposes of this paragraph, a certificate of the Commissioner as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

8. In this Schedule, "officer" means an officer of the Department of Inland Revenue, and includes any person who is expressly authorised by the Commissioner to perform the duties of an officer for the purposes of this Schedule.

Passed in the House of Representatives this 28th day of June, 1963.

G. R. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 9th day of July, 1963.

J. P. OTTLEY
Clerk of the Senate